

Service Date: November 22, 2006

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF Qwest Corporation's	)	UTILITY DIVISION
Notification to Offer certain CLASS Features,	)	
AIN Features, Custom Calling Features,	)	DOCKET NO. D2006.3.39
Listings, and Packages as Not Regulated	)	
	)	ORDER NO. 6736c
	)	
	)	ORDER NO. 6736d

**PROTECTIVE ORDER**  
**ORDER DENYING MOTION FOR PROTECTIVE ORDER**

On November 8, 2006 Qwest Corporation (Qwest) filed with the Commission a Motion for Protective Order to cover certain information to be filed as late filed exhibits in response to Commission requests made at the hearing in this docket, held November 1, 2006. Except as discussed below, Qwest's Motion is proper in form, supported by affidavit, and includes information as required by and in compliance with ARM 38.2.5007(3), and (4)(b)(i-vi).

In its Motion Qwest requests protection for information on 1) access line subscription for each year from 1996 to the present, by wire center, separated by residential and business lines; and on 2) intrastate regulated net operating income and rate base for the "features" family of services and the "listings" family of services, for 2005.

The Commission determines that Qwest has shown good and sufficient case in fact and law that information on access line subscriptions for which protection is requested is entitled to protection as trade secret pursuant to §69-3-105 and 30-14-402, MCA. The Commission determines that Qwest has not shown good and sufficient cause in fact and law that information on "features" services and "listings" services for which protection is requested is entitled to protection as trade secret pursuant to §69-3-105 and 30-14-402, MCA.

ORDER

Now therefore, Qwest's Motion for a protective order covering access line subscriptions, as described above, is granted. Information submitted in accordance with the Order will be "confidential information" under the terms of this Order and commission protective order rules, ARM 38.2.5001 through 38.2.5030. In future motions Qwest is directed to address more thoroughly and clearly the trade secret element described at ARM 38.2.5007(4)(b)(vi). The fact that the Commission might have protected similar information in the past does not eliminate the need to clearly demonstrate, in each motion seeking a protective order, that the information for which protection is sought meets each trade secret element. Conclusory statements are not sufficient to make such demonstration.

Now therefore, Qwest's Motion for a protective order covering information on the "features" and "listings" family of services is denied. The information sought by the Commission, aggregated at the level requested, is not trade secret and not entitled to protection under Montana law. Qwest is directed to provide this information no later than November 27, 2006.

DONE AND DATED this 21<sup>st</sup> day of November, 2006, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GREG JERGESON, Chairman

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BRAD MOLNAR, Vice Chairman

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DOUG MOOD, Commissioner

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ROBERT H. RANEY, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Judy Scheier  
Assistant Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.

Order No. 3736d, denying Qwest's Motion for Protective Order covering information on the "features" and "listings" family of services is subject to reconsideration pursuant to ARM 38.2.4806(1)

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

## **Nondisclosure Agreement**

(7-26-00)

ARM 38.2.5012

Docket No. D2006.3.39, Order No. 6736c  
Order Action Date: November 21, 2006

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

Business Address:

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party Represented